

Reforms Required in Kerala Public Library Act 1989

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The paper argues that public library systems in federal countries will be effective only if they are planned as national systems. Suggests the reforms that are essential for Kerala Public Library Act to achieve its aims and objectives.

0 INTRODUCTION

Collection and organization of information which is the basic resource for national development; in all forms and formats and the dissemination of it to the people are the primary function of libraries especially public libraries.¹ Public libraries contribute to sustaining the quality of life in all its aspects—educational, economic, industrial, scientific and cultural—and promotes the concept of a democratic society in which equal opportunity exists for all to develop into true citizens, with whole and balanced personalities leading to an increase in the sum total of the man's happiness and awareness of himself and his fellow men and his environment.² So the government must take appropriate step to maintain and develop this sector which is collecting, organizing and disseminating information so as to make them easily and freely accessible to all.³ An efficient and

continuous sharing of the basic resource that is information which is essential for a socialist set-up can be ensured only by a library legislation.⁴

11 RIGHT TO INFORMATION

To ensure the citizens right to information, public libraries have to pool the total information resources of the state and nation and should make it available to all the people in an unbiased and efficient way.⁵ These functions cannot be fulfilled by isolated libraries or library systems limited within localities or states. It requires a national level library system.

12 PUBLIC LIBRARY SYSTEM

A public library system extending throughout the nation should have a National Library at the apex with each state having its State Central Library and a network of public library services with District and Taluk Central Libraries and

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service outlets at village levels.⁶ A system of co-operation and coordination would be established between all types of libraries with the ultimate aim that any one living anywhere should have access to the document and information resources of the State, the country and even the whole world at a time when he requires them and in a form which would best suit his needs.⁷

In order that this may be done as fully, promptly, cheaply and conveniently as feasible; it is necessary to establish an efficient system at national level with State systems as participating units. These systems should be under the authority of law at national and state levels and should be well co-ordinated and backed by efficient administrative machineries; the Ministries and Directorates formed on the basis of legislation to implement policy decisions.

13 SYSTEM AT STATE LEVEL

If the information resources of the entire nation is to form a single unit with an indefinite mobility to move from end to end of the nation, so as to make the resources useful to all those residing in different states, the states should have uniform library and information systems supported by law. Without the states having a uniform pattern of library system and legislation, co-ordination at the national level and sharing of resources will not be practicable.⁸ Of the 25 states and 7 union territories only 8 have library legislation now. But the existing legislations were not uniform and the working of most acts shows that the system envisaged by them are not efficient. Without learning lessons from other Acts or considering the advances and growth in the information sector, Kerala has enacted a legislation which is not at all useful for information service to the people. Its system cannot become a partici-

pating unit of a National Library and Information System which will be founded on scientific methods. If this is permitted more States will pass such defective legislation and more they do, the longer it will take to bring them into line and materialize the objectives of a National Library and Information services.

14 NEED FOR NATIONAL POLICY

The fault is not that of Kerala or other states. It is also due to the wrong policy of the centre. Library legislation requires mandatory legislation. In 1947 Ranganathan has advised for a National Library System and Union Library Act and State Library Acts which are of uniform pattern at second level.⁹ In 1957 Sinha Committee also recommended a Central Library Act by Government of India and State Library Act by each State.¹⁰ But no action has been taken by Central Government on this line. The longer the Central Government hesitate to enact a Central Act or do not insist on mandatory State legislation the more difficult it will be to provide this basic service, and materialize the National Library and Information System as recommended by Chattopadhyaya Committee.¹¹

15 CONSTITUTIONAL HINDERANCES

One reason for the inactivity of Central Government is the existing constitutional and legal hinderances. In constitution, libraries fall under State list as a subject coming under the jurisdiction of State governments. So now States only can enact legislation on public library system. Formerly education was also under State List. But when Government of India faced problems in the management of education system it amended the Constitution by Constitution 42nd Amendment Act 1976 and changed education from state list to

Concurrent List.¹² If by such an amendment Act libraries which are the inseparable part of education also can be changed to concurrent list on which Central Government and State Government can legislate. It will solve the problem of public library legislation in India in a single stroke and permanently.¹³ It will ensure the uniform, systematic and speedy establishment and development of network of public libraries in the country as required by National Library and Information Dissemination System.

16 UNIFORM PATTERN

For being co-ordinated at the national level it is essential that the Central Government should enforce by the provisions of the Union Library Act; a uniform pattern for library systems of the States. Centre should also prepare and provide a Model Act to be used by the States. Whatever the size of the State, if the Act follows the State administrative system at different levels; the service point of the lowest viable unit will have to serve almost the same size of the population in every region of India.

The latest of the Model Act was drafted about seventeen years back. In course of the years some provisions would have become out dated in their essential features. Then the observation of the working of the existing Acts also can suggest some alternations and additions in the Model Act. It is therefore urgent that the Government of India appoints a committee with specified time limit to conduct a study of the Model Act and working of the existing State Acts and to frame a Model State Act which is to be used for State Legislations. Till this committee submits its report the State Governments may be directed to desist from enacting any defective legislation. This is essential to eliminate wastage

of energy, money and materials which is bound to happen especially where the methods of trial and error and hit or miss are still followed as in Kerala instead of pursuing rational, real and tried systems.

2 KERALA PUBLIC LIBRARY ACT

An evaluation of the Kerala Public Library Act (KPLA) 1989 based on the above principles vindicates serious deficiencies which will detain Kerala's Library System from becoming a live part of the National Library and Information System and from serving the people efficiently and at less cost. To make the system envisaged by KPLA able to play effectively its intended role of collecting, organizing and disseminating information to the people; the following amendments and additions to the Act are suggested.

3 STATE LIBRARY AUTHORITY

Instead of providing for a State Library Authority (SLA) and Library Advisory Committee the KPLA provides only for a Kerala State Library Council (KSLC) but has not named it as State Library Authority (SLA). KPLA should clearly lay down; who or what would be State Library Authority. So far as it may be possible, the supreme authority should be vested in an individual instead of vesting it in a large committee.¹⁴ Dispersion of power at the top is, generally, detrimental to efficiency and service. As proved in the Model Act and latest library Acts of the world, the KPLA may vest such an authority in the Minister for Education.

4 STATE LIBRARY COUNCIL

The KSLC may be given the functions of advising and assisting the SLA as provided by the Model Act. KSLC should be made adequately representative and com-

prehensive in scope so as to include all interests and shades of opinions as result of which the rich experience of the cream of the State can be put at the disposal of the authority. Adequate representation of Library and Information Science experts in KSLC is essential for the proper planning and organization of the system. Among its members it should include the Minister as ex-officio Chairman, Director of Public Libraries as ex-officio Secretary, State Librarian, Secretary to Higher Education, Heads of the Departments of Library and Information Science of the universities of the State, representatives from Library Associations of the State, Secretaries of Kerala Sahitya Akadami, Sangeetha Nataka Akadami, Kerala Lalita Kala Akadami and adequate number of members from Kerala Legislative Assembly. Like this necessary additions and amendments may be made in provisions related to Local Library Authorities and Councils.

5 STATE CENTRAL LIBRARY

The Act should provide for the State Central Library (SCL). Trivandrum Public Library the biggest Library in the State may be designated as the State Central Library by the Act to make its rich collection useful to the people living throughout the State. The clauses in the KPLA providing for the establishment of more than one library SCL like Trivandrum Public Library may be removed.

The State Central Library may be charged with the responsibilities of being a depository for all publications published in Kerala, publishing Kerala State Bibliography, undertaking centralized processing of documents, working as a centre of interlibrary loan within and outside the State, preparing union catalogue of holdings of various libraries of the State, organising

a reference collection and service on general topics and acting as the coordinating agency and source of all technical and other information asked for by the district and other libraries of the State. Layout of the library system of the State with State Central Library, District Central Library and service units at different levels and their relation with each other unit or authority should be spelled out in KPLA.

6 STATE LIBRARY SERVICE

The Act should provide for State Library Service. All personnel working in the different public library systems as now provided by KPLA should be brought into a single State service. All posts in the Department of Public Libraries, the State Central Library and in all libraries maintained by Local Library Authorities should be filled by appointment of persons belonging to State Library service. For the implementation of the policies and decisions taken by State Library Authority, KPLA should provide for proper and adequate administrative machinery. It should provide for a separate Department of Libraries which shall be headed by a professionally qualified Director. The Act should also provide for a professionally qualified person as State Librarian who will be having the status of an additional Director in the Department.

The State Library services shall also consist District Librarians, Taluk Librarians, Village Librarians and such other classes and categories of posts as the Government may from time to time determine. All members of the said service should be Government servants, and their recruitment and conditions of service shall subject to the provision of Article

309 of Constitution of India and shall be regulated by such rules as may be prescribed.

61 PROFESSIONAL STAFF

Knowledge explosion and the enormous quantity of printed materials and other recorded information flooding every day, requires highly specialized staff to evaluate and collect the required recorded information and to do the quick and timely dissemination of required information to the user. It is the knowledge, skill, initiative and character of the personnel who handle this work which determine the extent to which the information resources become useful to the public. It is the quality of workforce that will determine the quality of services which the public library system can offer.

In order to ensure proper library and information service to the people the law should lay down the minimum professional qualification for the posts of Director of Libraries, State Librarian, District Librarian, Taluk Librarian and various kinds of other library jobs. Further proper cadres of library staff should be provided by the law on the pattern of other professions and civil services.

62 STANDARDS FOR SERVICE

Public library standards are essential to the effectiveness of public library systems and without them libraries cannot offer the best service to users. The KPLA should clearly lay down as to whether the library authorities are bound legally to provide standard and adequate library service. The world trend today is towards making it obligatory upon the library authorities to provide library service to the people of their respective areas. Library authorities should be obliged to conform to standards of library service as laid down by Central

Government or other appropriate agency.

In order to increase the range of the resources of public libraries and meet the needs of the users; various forms of inter-library cooperation will be required particularly in the area of reference and information services. No single service outlet can meet all information requirements of the community it serves; from what is stored in that unit only. In view of this, provisions for resources sharing and networking should be included in the law.

7 FINANCE AND OTHER ASPECTS

Universal diffusion of knowledge among the people is highly conducive to the preservation of their freedom, a greater equilization of their social advantages, their industrial success and their physical intellectual and moral advancement and elevation.¹⁵ Public library and information system is the only system which can undertake dissemination of knowledge effectively, conveniently and economically for the benefit of all the citizens. It is the only system that is accessible also to the 75 per cent of the population who cannot successfully approach the formal educational institutions or huge special information stores maintained away from them.¹⁶ Considering this aspect of public library system it is only just that the government provides a minimum annual grant of 25 per cent of the amount allotted for education in state budget to the library system. The present 1 per cent is too meagre to maintain such an important and costly system.

71 COVERAGE OF THE ACT

There is a trend in modern legislation to include in the statutory law only minimum number of factors and leave the other factors to the care of the administrative legislation. However, this trend is danger-

ous, especially in the case of social legislation of which; the benefits are not direct, the public being not sensitive; bureaucracy may not handle the administrative legislation with proper care.¹⁷ Ranganathan considers administration also as one of the important factors to be provided for in library legislations.¹⁸ The KPLA should also provide matters of administrative detail. The Act may be perverted unless the form of administration was also not provided in the Act. Any surreptitious subversion of an Act was sought to be prevented by putting detailed provision in the Act itself, so that they might not be encroached upon without amending the Act.¹⁹ Smooth working of an infant system might be jeopardised unless the legislation supporting it mentions in detail things which are usually left to ordinary legislation in Acts related to established systems.

72 LANGUAGE OF THE ACT

The language of the Act should also be made clear and unambiguous. Standard terminology of Library and Information Science should be used to denote the materials and processes in library system. In this regard A R Hewit observes: Indian library legislation, both existing and recommended needs to be simplified and made less ambiguous.²⁰

8 TREND AGAINST REFORM

An immediate amendment to KPLA which rectifies all the defects pointed out above is required if KPLA is to enable an effective library and information system. The objections against these suggestions that may be put forward by the persons and movement that worked behind the present the legislation is that; appointing the Minister as State Library Authority, or constituting a body with experts, govern-

ment officials and Minister also in it, as SLA or advisory council will make the system less democratic and more bureaucratic. During the clausewise discussions of the Kerala Public Library Bill 1989 in the Kerala Legislative Assembly Sri T M Jacob the ex-education Minister who prepared the Kerala Public Library Bill 1985 pointed out the serious defect of the present Bill. According to him it is not advisable to provide for a non official who is the elected Secretary of KSLC to do the appropriation of the annual funds of about 10 crores allotted for library and information service.²¹ The person requires continuity of his office and so the Secretary of the council should be an official not below the rank of a Government Joint Secretary.²² But the suggestions were not accepted and the then education Minister Sri K Chandra Sekaran who piloted the Bill said that the difference of LPLA with the other Acts is that it envisages a purely democratic set up for libraries and so people should administer the system.²³

81 ELECTED BODIES

But the experience on this line has shown against recommending such a system. The findings of Ashok Mehta Committee and Committees appointed by various State Governments to study the causes of failure or partial success of elected bodies should be an eye opener to the protagonists of this system for library and information services.²⁴ All the reason attributed by these committees to elected bodies; political factionalism developing and diluting efficient working, misappropriation of funds and lack of direct attention by Government are all applicable to this system too. Can a very important system of the State which is to organise the basic resource required for the development in all

aspects of life and to distribute that efficiently and equally among one and all; effort to sustain such serious defects and risk, in its system?

9 CONCLUSION

Arguments vindicating the baselessness of considering an elected body of library members; a more democratic Library Authority than a Minister; has appeared in the press while the Bill was under preparation. If the system is to be truly democratic it should be a system run by the representatives of all the people for whom it is intended. The expected users of a public library system is the whole population. So it is the representatives of the whole population that should administer it. But the KSLC is constituted not with such representation but with representation of library members only. The members of public libraries are less than 5 per cent of the population and they belong to the group of educated and socially advanced persons or class which comes to only 20 per cent of the population. But the system is not intended for them only nor is paid for its maintenance only by them. It belongs to the whole population. So, limiting the right of electing representatives who are to run the machinery, within the members is in no way justifiable.²⁵ Members are in a position to evaluate, criticise and reform the system; but have no right to limit its administration within them.

If the whole population of the State is to exercise its power the State Library Authority is to be responsible to the legislature which is elected on adult franchise and which is having representation of all the people. So the Minister for Education or for Libraries if there is one, being the SLA, advised by a council consisting of experts on the system and required number of

members elected through different levels of library system is the most advisable set-up in a democracy.

Simply organizing the Library system in a democratic way has got no meaning if the system can not achieve its aim to the full. The system is not for system's sake. Public Library System is not a system for training the people in the working of democratic systems as Kerala's people's library movement and its leaders claim it to be. It is also not a system to give people; entertainment or a stage for mere cultural activities. In these days it is to be a highly specialized system which makes for the people the access to information easy and free. Public library system is potentially an expert system meant for establishing some measure of equal access to, and redistribution of, the wealth of information.²⁶ How freely and how equally citizens have access to knowledge determines how equally they can share in the governing of our society and in the work and rewards of our economy.²⁷

REFERENCES

- 1 RAJARAM MOHAN ROY LIBRARY FOUNDATION. National Policy on library and information system. 1985. The author, Calcutta.
- 2 RANGANATHAN (S R). Free book service for all: An international survey. 1968, Asia; Bombay.
- 3 HEEKS (P) and TURNER (P), Ed. Public library: aims and objectives, 1981 Public Libraries Research Group; London.
- 4 USHERWOOD (Bob). The public library as public knowledge. 1989. Library Association; London.
- 5 RAMAN NAIR (R). Gramathinte Hridayam, *Granthalokam*, December, 1985.
- 6 RAMAN NAIR (R). Bharatha Desiya Granthalayam: Oravalokanam. *Vijnanakairali*. 20, 10; 1989.

- 7 MANGALA (P B). Library legislation in India. In ROUT(RK) *Ed.* Library legislation in India: Problems and Prospects. 1986, Reliance, New Delhi.
- 8 RAMAN NAIR (R). Gramangalil Vijnana Vitaranam. *Vijnanakairali*, 19; 8; 1988.
- 9 RANGANATHAN (S R). Library development plan: Thirty Year Programme for India with Draft Bills for the Union and the Constituent States. 1950. Delhi University, Delhi.
- 10 INDIA EDUCATION AND YOUTH SERVICES (Min of) LIBRARIES (Advisory Committee for), (Chairman: K P Sinha). Report. 1959, Govt of India, New Delhi.
- 11 INDIA, EDUCATION AND CULTURE (Ministry of) NATIONAL POLICY ON LIBRARY AND INFORMATION SYSTEM (Committee on) (Chairman: Chattopadhyaya). Report. 1986 GOI, New Delhi.
- 12 BASU (Durga Das). Introduction to the Constitution of India; 1989, Prentice Hall; New Delhi
- 13 BANSAL (G S) and TIKKOO (UK). New perspectives of library legislation for India: A proposal. In: BISWAS (S C) *Ed.*. Public library development perspectives, 1985, ILA, New Delhi.
- 14 RANGANATHAN (S R). Library legislation and its fecets. *Library Herald*, 1959; 1, 4.
- 15 MASSACHUSETTS. An act to authorise encourage and ensure the formation, increase, and perpetuation of public libraries, 1851. Massachusetts, Govt Press.
- 16 RAMAN (R) *Op Cit*, 8.
- 17 MISRA (Jogesh). History of libraries and librarianship in modern India since 1850. 1979, Atma Ram, New Delhi.
- 18 RANGANATHAN, *Op cit*, 14.
- 19 BASU, *Op cit*, 12.
- 20 HEWIT (A R). Indian public library law. *Journal of Indian Library Association*. 4, 3-4, 1962.
- 21 KERALA LEGISLATIVE ASSEMBLY. Proceedings. 9th February 1989. Trivandrum: Government Press, 1989.
- 22 *Ibid*.
- 23 *Ibid*.
- 24 HASMI (Syed Ali). Library legislation in India. In ILA conf. papers. New Delhi, ILA. 1983.
- 25 RAMAN NAIR (R). Kerala Granthasala Niyamam: Chila prarambha chinthakal. Cochin: *Veekshanam*: 14, 8; 1987.
- 26 USHERWOOD, *Op cit*, 3.
- 27 AMERICAN LIBRARY ASSOCIATION. Freedom and equality of access to information. 1986, ALA, Chicago .